

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

NIKOLAUS KRIZ,

Plaintiff,

v.

Case No: 8:20-cv-2995-KKM-SPF

CHRISTOPHER NOCCO et al.,

Defendants.

ORDER

Nikolaus Kriz, along with many other plaintiffs, joined a suit alleging Defendants were engaged in racketeering. See *Squitieri v. Nocco*, 8:19-cv-906. The Court severed that action, requiring Kriz to pursue his claims separately from the other plaintiffs. As such, Kriz initiated the instant action, ultimately bringing racketeering and constitutional claims. (Doc. 15.) The Court dismissed his Amended Complaint with prejudice. (Doc. 25.) Defendants then moved for sanctions against Kriz and Kriz's attorneys under 28 U.S.C. § 1927, 42 U.S.C. § 1988, and this Court's inherent authority. (Doc. 27.) For the reasons stated in this Court's recent order in *Squitieri*, the Court grants-in-part Defendants' motion. 8:19-cv-906 (Doc. 226). The Court concluded that the conduct of Kriz's counsel in filing his Amended Complaint, an egregious shotgun pleading, unreasonably and

vexatiously multiplied the proceedings. As such, Kriz's attorneys are liable for the "excess costs, expenses, and attorneys' fees reasonably incurred" by Defendants in responding to Kriz's Amended Complaint. § 1927. Further, the Court concluded that Kriz's § 1983 claim was objectively frivolous, rendering him liable for the attorney's fees Defendants reasonably incurred defending against the § 1983 claim. But the Court did not find any subjective bad faith from Kriz or his counsel, and thus sanctions under this Court's inherent authority are not warranted.

Accordingly, the following is **ORDERED**:

1. Defendants' Motion on Entitlement to Attorneys' Fees is **GRANTED-IN-PART**. (Doc. 27.) Specifically, Kriz's counsel, John McGuire and Luke Lirot, are jointly and severally liable for the attorney's fees Defendants reasonably incurred responding to Kriz's Amended Complaint. Kriz is jointly and severally liable with his attorneys for the attorney's fees Defendants reasonably incurred responding to his § 1983 claim.
2. The Court **DIRECTS** Defendants under Local Rule 7.01(c) to file a Supplemental Motion on Amount within forty-five days of this Order.

ORDERED in Tampa, Florida, on April 18, 2022.

A handwritten signature in blue ink, reading "Kathryn Kimball Mizelle", is positioned above a horizontal line.

Kathryn Kimball Mizelle
United States District Judge